IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 441 OF 2005

Shri Yeshwant Namdev Jadhav & Anr. .. Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri D.V. Kedar i/by G.V. Bhagat for the Applicants.
Shri R.Y. Mirza, APP for Respondent -State.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 27, 2005

PC :-

. Learned counsel for the parties.

2. Indeed, the offence registered against the Applicants is a serious offence. However, without going into the contentious issues raised in this application, in my opinion, the Application can be disposed of by directing the investigating officer to give 72 hours notice to the applicants, if he intends to arrest the applicants after incriminating material to indicate complicity of the applicants becomes available during the course of investigation. I am adopting this course, as learned APP fairly accepts that as on date, the applicants will be arrested only

on suspicion as the case is one of the circumstantial evidence and no material to indicate the complicity of the applicants has been collected so far.

3. The applicants shall, however, appear before the investigating officer as and when required by the investigating officer.

4. It is made clear that all questions are left open.

5. Application is disposed of in the above terms.

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